

COUNCIL POLICY

SUBJECT: Eligibility Requirements for Boards and Commissions

POLICY PURPOSE:

This policy is designed to provide a comprehensive statement of all eligibility requirements for appointment to Boards and Commissions.

POLICY STATEMENT:

Specific membership requirements for charter-related Boards and Commissions are as follows:

I. **Personnel Board**

A. Membership:

There shall be a Personnel Board consisting of five members to be appointed by the City Council. To be eligible for appointment, each appointee shall neither hold public office or employment nor be a candidate for any other public office or position and shall not be an officer of any local, state, or national partisan club or organization, nor a former City employee. (Source: City Charter, Section 1007)

B. Membership Requirements:

All persons appointed shall be registered voters of the City and shall maintain their principal place of residence within the City at the time of their appointment. If at any time during their term any member of the Board shall cease to be an elector of the City or shall cease to maintain their principal place of residence within the City, then such person shall become ineligible to continue to serve as a member of the Board and said position shall be declared vacant by the City Council. (Source: City Charter, Section 1007).

C. Selection Process:

The members of the Personnel Board shall be selected and appointed in the following manner: Three of the members shall be appointed by the City Council directly; two of the members shall be appointed by the City Council from a list of five persons to be nominated by election of the employees in the classified service. (Source: City Charter, Section 1007).

D. Term of Office:

The members of the Personnel Board shall serve for a term of four years and until their respective successors are appointed and qualified. Members are eligible to serve two successive terms. (Source: City Charter, Section 1003).

II. Planning Commission

A. Membership:

There shall be a City Planning Commission consisting of seven members to be appointed by the City Council, none of whom shall hold any paid office or employment in the City government, except that the City Manager or his/her designated representative, shall serve as an ex-officio member of the Commission. (Source: City Charter, Section 1009).

B. Membership Requirements:

All persons appointed shall be registered voters of the City and shall maintain their principal place of residence within the City at the time of their appointment. If at any time during their term any member of the Commission shall cease to be an elector of the City or shall cease to maintain their principal place of residence within the City, then such person shall become ineligible to continue to serve as a member of the Commission and said position shall be declared vacant by the City Council. (Source: City Charter, Section 1009).

C. Selection Process:

All persons seeking membership on the Commission shall be subject to interview, selection and appointment by the City Council.

D. Term of Office:

The members of the Planning Commission shall serve for a term of four years and until their respective successors are appointed and qualified. Members are eligible to serve two successive terms. (Source: City Charter, Section 1003).

III. Parks and Recreation Commission

A. Membership:

There shall be a City Parks and Recreation Commission consisting of five members to be appointed by the City Council, none of whom shall hold any paid office or employment in the City government. (Source: City Charter, Section 1011).

B. Membership Requirements:

All persons appointed shall be registered voters of the City and shall maintain their principal place of residence within the City at the time of their appointment. If at any time during their term any member of the Commission shall cease to be an elector of the City or shall cease to maintain their principal place of residence within the City, then such person shall become ineligible to continue to serve as a member of the Commission and said position shall be declared vacant by the City Council. (Source: City Charter, Section 1011).

- C. Selection Process:
All persons seeking membership on this commission shall be subject to interview, selection and appointment by the City Council.
- D. Term of Office:
The members of the Parks and Recreation Commission shall serve for a term of four years and until their respective successors are appointed and qualified. (Source: City Charter, Section 1003).

IV. Board of Library Trustees

- A. Membership:
There shall be a Board of Library Trustees consisting of five members to be appointed by the City Council. No member of the Board shall hold any paid office or employment in the City government. (Source: City Charter, Section 1013).
- B. Membership Requirements:
All persons appointed shall be registered voters of the City and shall maintain their principal place of residence within the City at the time of their appointment. If at any time during their term any member of the board shall cease to be an elector of the City or shall cease to maintain their principal place of residence within the City, then such person shall become ineligible to continue to serve as a member of the Board and said position shall be declared vacant by the City Council. (Source: City Charter, Section 1013).
- C. Selection Process:
All persons seeking membership on this Board shall be subject to interview, selection and appointment by the City Council.
- D. Term of Office:
The members of the Board of Library Trustees shall serve for a term of four years and until their respective successors are appointed and qualified. (Source: City Charter, Section 1003).

V. Heritage Preservation Commission

- A. Membership:
The Heritage Preservation Commission shall consist of seven members, each to be appointed by the City Council, none of whom shall hold any

paid office or employment in the City government. (Source: City Charter, Section 1015).

B. Membership Requirements:

All persons appointed shall be registered voters of the City and shall maintain their principal place of residence within the City at the time of their appointment. If at any time during their term any member of the Commission shall cease to be an elector of the City or shall cease to maintain their principal place of residence within the City, then such person shall become ineligible to continue to serve as a member of the Commission and said position shall be declared vacant by the City Council. (Source: City Charter, Section 1015).

C. Selection Process:

All individuals seeking membership on this Commission shall be subject to interview, selection and appointment by the City Council.

D. Term of Office:

The members of the Heritage Preservation Commission shall serve for a term of four years and until their respective successors are appointed and qualified. (Source: City Charter, Section 1003).

VI. **Board of Building Code Appeals**

A. Membership:

The Board of Building Code Appeals shall consist of five members who are qualified by experience and training to pass upon matters pertaining to building construction, and who shall be appointed by the City Council of the City. (Source: Municipal Code, Chapter 16.08.).

B. Membership Requirements:

All persons appointed shall be registered voters of the City and shall maintain their principal place of residence within the City at the time of their appointment. If at any time during their term any member of the board shall cease to be an elector of the City or shall cease to maintain their principal place of residence within the City, then such person shall become ineligible to continue to serve as a member of the board and said position shall be declared vacant by the City Council. (Source: City Charter, Section 1007).

C. Selection Process:

All individuals seeking membership on this board shall be subject to interview, selection and appointment by the City Council.

D. Term of Office:

The members of the Board of Building Code Appeals shall serve for a term of four years and until their respective successors are appointed and qualified. Members are eligible to serve two successive terms. (Source: City Charter, Section 1003)

Specific membership requirements for non-charter-specified Boards and Commissions are as follows:

VII. **Arts Commission**

A. Membership:

The Arts Commission shall consist of five members appointed by the City Council. The members of this Commission shall have a demonstrated interest in the arts and in the art programs of the City. Strong consideration shall be given to applicants with a background in the arts. (Source: Resolution No. 193-84, approved October 9, 1984).

B. Membership Requirements:

All persons appointed to the Arts Commission shall, at the time of his or her appointment, be a registered voter of the City and shall maintain his or her principal place of residence within the City. Should any person so appointed cease to be an elector of the City or cease to maintain his or her principal place of residence within the City, that person shall be ineligible to continue to serve as a member of the Commission. (Source: Resolution No. 193-84, approved October 9, 1984).

C. Selection Process:

All persons seeking membership on this Commission shall be subject to interview, selection and appointment by the City Council.

D. Term of Office:

The members of the Arts Commission shall serve for a term of four years and until their respective successors are appointed and qualified. (Source: City Charter, Section 1003)

VIII. **Housing and Human Services Commission**

A. Membership:

The Housing and Human Services Commission shall consist of nine members appointed by the City Council. The function and purpose of this Commission is to assist the City Council in matters that pertain to existing and potential programs, policies, and other official City undertakings in the fields of housing and human services. (Source: Resolution No. 134-85, approved March 19, 1985. Name change pursuant to RTC 93-034. Number of members reduced RTC 01-359).

B. Membership Requirements:

All persons appointed to the Housing and Human Services Commission shall, at the time of his or her appointment, be a registered voter of the City and shall maintain his or her principal place of residence within the City. Should any person so appointed cease to be an elector of the City or cease to maintain his or her principal place of residence within the City, that person thereafter shall be ineligible to continue to serve as a member of the Commission. The members of the Housing and Human Services Commission shall have a demonstrated interest in housing or human services issues. (Source: Resolution No. 134-85, approved March 19, 1985).

C. Selection Process:

All persons seeking membership on this Commission shall be subject to interview, selection and appointment by the City Council.

D. Term of Office:

~~Each City Councilmember shall have the right to nominate two of the fifteen members to be selected subject to confirmation by the Council. The fifteenth member of the Commission shall be appointed at-large thereto by majority vote of Council, upon nomination by any City Councilmember. Each member of the Housing and Human Services Commission shall serve at the pleasure of the City Council. The members of the Housing and Human Services Commission shall serve for a term of four years and until their respective successors are appointed and qualified. (Source: Resolution No. 134-83, approved March 19, 1985.)~~

IX. Child Care Advisory Board

A. Membership:

There shall be a Child Care Advisory Board consisting of 7 members to be appointed by the City Council. The Board membership shall consist of representatives of 1) community care licensing and resource/referral agencies; 2) community colleges, school districts and County Office of Education; 3) child care centers and family child care services; 4) business community; 5) parents; 6) related fields. No more than two representatives of a category will serve at any given time. In the event there are unfilled vacancies due to lack of participation from one of the above groups, vacancies may be filled by representatives of other agencies with a role in child care or the community at large. (Source: City Council motion May 26, 1992)

B. Membership Requirements:

All persons appointed to the Child Care Advisory Board at the time of his or her appointment shall be affiliated with (either through employment or an official membership) the above noted organizations. In the event that the affiliation ceases, that person shall be ineligible to continue to serve as a member of the CCAB. (Source: City Council motion May 26, 1992)

C. Selection Process:

- 1) **Designated Agency Appointments:**
When a vacancy occurs in the following categories: 1) community care licensing and resource/referral agencies; 2) community colleges, school districts and County Office of Education; 3) child care centers and family child care services; representative agencies shall be contacted to make an appointment to the CCAB. The City Council will ratify the appointment. In the event that one or more of the designated agencies elects not to participate in the CCAB, the City may accept applications from other agencies involved in child care and will consider these applications amongst the multiple agency/individual appointments as described below.
- 2) **Multiple Agency or Individual Appointments:**
For those membership categories for which there is more than one agency or organization which may be interested in seeking membership on the CCAB, i.e., child care centers and family day care providers (includes one alternate), Sunnyvale businesses, and parent representatives, the child care staff shall seek applicants through mailings and other targeted recruitment efforts. Child care staff will recommend appointments which will be ratified by the City Council. (Source: City Council motion May 26, 1992)

D. Term of Office:

The members of the CCAB shall serve for a term of four years and until their respective successors are appointed. Membership terms shall be staggered.

The designated agencies are required to identify the most appropriate representative, which could result in an individual serving multiple terms as the designated agency representative. The limitation on terms that is policy for most of the existing boards in the City be waived for those categories of membership in which there is only one designated agency (C.1 above).

X. Bicycle and Pedestrian Advisory Committee

A. Membership:

There shall be a Bicycle and Pedestrian Advisory Committee consisting of seven members to be appointed by the City Council. No member of the Committee shall hold any paid office or employment in the City government. (Source: Resolution No. 173-92, approved August 4, 1992. Name changed pursuant to RTC 00-337.)

B. Membership Requirements:

The members of the Committee shall be selected from two categories.

- 1) **Category One** shall be bicyclists or pedestrians in the City of Sunnyvale. Every person in this category shall, at the time of his or her appointment, be a registered voter of the City and shall

maintain his or her principal place of residence within the City. Should any person so appointed cease to be an elector of the City or cease to maintain his or her principal place of residence within the City, that person shall be ineligible to continue to serve as a member of the Committee.

- 2) Category Two shall include members of the PTA or other parent groups, representatives of the Santa Clara Unified School District or Sunnyvale School District administrations, commute coordinators for major employers within the City, members of neighborhood associations, principals or teachers from Sunnyvale schools or persons interested in park and recreational activities in the City. (Source: Resolution No. 173-92, approved August 4, 1992)

C. Selection Process:

All persons seeking membership on this Committee shall be subject to interview, selection and appointment by the City Council.

D. Term of Office:

The members of the Bicycle Advisory Committee shall serve for a term of four (4) years and until their respective successors are appointed and qualified, unless removed earlier by the City Council.

XI. **Limitation on Terms**

- A. Except as otherwise provided in the Charter , no member of any Board or Commission shall be eligible to serve for more than one four-year term nor shall such member be eligible for appointment to the same or any other Board or Commission for two years after the expiration of the full term for which a member was appointed and served. (Source: City Charter, Section 1002)
- B. A person who has served less than two years of a term, whether full or unexpired, on any Board or Commission may be appointed to the same or another Board or Commission for one full four-year term if such appointment does not result in a person serving on one or more Boards or Commissions for more than six years without a break of at least two years, except as provided in C. and D. (Source: City Charter, Section 1002)
- C. Members of the Planning Commission, the Personnel Board and the Board of Building Code Appeals are eligible to serve two successive four-year terms on the same Board or Commission. No person who has served two such successive four-year terms shall be eligible for appointment to that same Board or Commission for two years following the expiration of the second full term for which the member was appointed and served. (Source: City Charter Section 1003)

- D. A person who has served less than two years of a term, whether a full or unexpired term, on any Board or Commission may be appointed to the Planning Commission, Personnel Board or the Board of Building Code Appeals for not more than two successive four-year terms if such appointment does not result in a person serving on one or more Boards and Commissions for more than 10 years without a break of at least two years. (Source: City Charter Section 1002)

XII. Concurrent Service

No member of any Board, Commission or Committee, chartered or otherwise, may serve on more than one body at the same time. Should a member be appointed to another Commission role, a letter of resignation must be submitted at the time that the new role is assumed. The only exception would occur in the case of special ad hoc review committees, such as Charter or General Plan Review Committees.

XIII. Spouses, Household Members and Relatives

No individual shall be appointed to or continue to serve on a City Board, Commission, or Committee, chartered or otherwise, who has a spouse, household member, or relative, within the second degree lineal or collateral consanguinity, currently serving as a member of the City Council, or employed as the City Manager, Assistant City Manager, Deputy City Manager, City Attorney or Department Director for the City of Sunnyvale.

No individual shall be appointed to or continue to serve on the Personnel Board who has a spouse, household member or relative within the second degree lineal or collateral consanguinity employed by the City of Sunnyvale in a position which has the right to have a disciplinary matter heard before the Personnel Board.

The definition of relative includes parents, grandparents, children, sisters and brothers, nieces and nephews, uncles and aunts related to the individual or spouse.

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